

(4) The alien will play a significant role in the undertaking described in paragraph (l)(4)(ii)(A)(3).

(B) To apply for the exemption, the petitioner must submit Form ETA-750B, Statement of Qualifications of Alien, in duplicate, as well as evidence to support the claim that such exemption would be in the national interest.

* * * * *

12. In § 205.5, newly redesignated paragraph (m)(4) is revised to read as follows:

§ 204.5 Petitions for employment-based immigrants.

* * * * *

(m) * * *

(4) *Differentiating between skilled and other workers.* The determination of whether a worker is a skilled or other worker will be based on the requirements of training and/or experience placed on the job by the prospective employer, as certified by the Department of Labor. A worker will be considered unskilled if the prospective employer's minimum experience requirement, as certified by the Department of Labor, indicates that less than two years of experience, either in the job offered or in a related occupation, is required. In the case of a Schedule A occupation or a shortage occupation within the Labor Market Pilot Program, the petitioner will be required to establish to the director that the job is a skilled one, i.e., one which requires at least two years of training and/or experience.

* * * * *

§ 204.5 [Amended]

13. In § 204.5, newly redesignated paragraph (n)(1) is amended in the fourth sentence by adding the phrase "on a full-time basis" immediately after the phrase "or other work".

14. In § 204.5, newly redesignated paragraph (n)(3)(ii)(A) is amended by adding the phrase "full-time" between the words "of" and "experience".

15. In § 204.5, newly redesignated paragraph (n)(4) is amended in the second sentence by adding the phrase "and will be working for the religious organization on a full-time basis" immediately after the term "or solicitation of funds for support".

16. In § 204.5, newly redesignated paragraph (o)(1) is revised to read as follows:

§ 204.5 Petitions for employment-based immigrants.

* * * * *

(o) *Closing action*—(1) *Approval.* An approved employment-based petition

will be forwarded to the Department of State National Visa Center. If the petition indicates that the alien will apply for adjustment to permanent residence in the United States, the approved petitions will be retained by the Service for consideration with the application for permanent resident (Form I-485).

* * * * *

§ 204.5 [Amended]

17. In § 204.5, newly redesignated paragraph (o)(3) is removed.

Dated: March 3, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95-13806 Filed 6-5-95; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 98

[Docket No. 94-006-1]

Importation of Embryos From Ruminants and Swine From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations to allow, under specified conditions, the importation of embryos from all ruminants, including cervids, camelids, and all species of cattle, and from swine from countries where rinderpest or foot-and-mouth disease exists. The regulations currently provide for importing only embryos from certain species of cattle in countries where rinderpest or foot-and-mouth disease exists. Research now indicates that embryos from all species of cattle, from ruminants other than cattle, and from swine, which are produced, collected, and handled under certain conditions in countries where rinderpest or foot-and-mouth disease exists, could be imported with virtually no risk of introducing communicable diseases of livestock into the United States. This action would make additional sources of genetic material available to domestic animal breeders.

DATES: Consideration will be given only to comments received on or before August 7, 1995.

ADDRESSES: Please send an original and three copies of your comments to

Docket No. 94-006-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room. **FOR FURTHER INFORMATION CONTACT:** Dr. Roger Perkins, Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 39, Riverdale, MD 20737-1231. Telephone: (301) 734-8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 98 (referred to below as the regulations) govern the importation of animal germ plasm so as to prevent the introduction of contagious diseases of livestock or poultry into the United States. Subpart A of part 98 applies to ruminant and swine embryos from countries free of rinderpest and foot-and-mouth disease (FMD), and to embryos of horses and asses. Subpart B applies to certain cattle embryos from countries where rinderpest or FMD exists. Subpart C applies to certain animal semen. Subpart B currently allows for the importation of embryos from cattle (*Bos indicus* and *Bos taurus*) from countries where rinderpest or FMD exists only if embryos are produced, collected, and handled under certain conditions. However, research¹ has demonstrated that the same conditions would effectively ensure that embryos from all species of cattle, and from swine, and from ruminants other than cattle, including camelids and cervids, can also be imported into the United States from countries where rinderpest or FMD exists without significant risk of introducing these diseases.

At this time, only *Bos indicus* and *Bos taurus* cattle embryos may be imported into the United States from countries where rinderpest or FMD exists. The available gene pool for swine and ruminants other than cattle cannot be enlarged by using embryos from animals in countries where rinderpest or FMD exists. Because of this, U.S. livestock interests, except cattle-related interests,

¹ Information about pertinent research may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

cannot fully participate in the growing international market in germ plasm.

Therefore, we are proposing to amend the regulations in subpart B to allow embryos from all ruminants, including cervids and camelids, from countries where rinderpest or FMD exists, to be imported into the United States under the same conditions under which *Bos indicus* and *Bos taurus* cattle embryos may be imported from those countries into the United States. Also, we are proposing to amend the regulations in subpart B to allow embryos from swine from countries where rinderpest or FMD exists to be imported into the United States under conditions that are the same as those for *Bos indicus* and *Bos taurus* cattle embryos, except with respect to the specific diseases for which we would screen.

Under our proposed regulations, the "General prohibitions" in § 98.12, which now apply only to *Bos indicus* and *Bos taurus* cattle embryos, would be amended to cover embryos from all ruminants, including camelids and cervids, and swine. In addition, import permits and health certificates would be required for all ruminant and swine embryos, just as they are now required for *Bos indicus* and *Bos taurus* cattle embryos (see §§ 98.13 and 98.14). Collection, processing, and handling requirements for all ruminant and swine embryos would also be the same as those now in place for *Bos indicus* and *Bos taurus* cattle embryos (see §§ 98.16, 98.17 and 98.18). In addition, requirements concerning arrival and inspection at the port of entry and embryos refused entry would be the same for all ruminant and swine embryos as those now in place for *Bos indicus* and *Bos taurus* cattle embryos (see §§ 98.19 and 98.20).

Health requirements would also be the same for all ruminant embryos as are those now in place for *Bos indicus* and *Bos taurus* cattle embryos (see § 98.15). The health requirements for swine embryos would differ only in regard to the listed diseases for which would screen. The current regulations are designed to ensure that embryos from *Bos indicus* and *Bos taurus* cattle are free of certain listed diseases. These regulations, in part, address the health of the donor dam and the herds in which it was present, the health of the animals in the embryo collection unit with the donor dam, and the presence of specific diseases in the locales of the embryo collection unit and of any herd in which the donor dam was present, over the previous 12 months.

The listed diseases of concern for embryos from *Bos indicus* and *Bos taurus* cattle are bovine spongiform

encephalopathy, brucellosis, contagious bovine pleuropneumonia, FMD, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis. All of these diseases may affect other ruminants, including cervids, all other species of cattle, and camelids. Under our proposed regulations, all ruminant embryos would have to meet the same health regulations as *Bos indicus* and *Bos taurus* cattle embryos must now meet, to ensure that they are not infected with any of these diseases. Except for brucellosis and tuberculosis, none of these diseases are present in the United States and we want to prevent their introduction. Brucellosis and tuberculosis are present in the United States. However, we have programs to control their spread and to eradicate them. Therefore, we do not want infected embryos imported into the United States, where they could spread infection and increase the cost and difficulty of controlling and eradicating these diseases.

The proposed diseases of concern for swine embryos, which would be listed in the regulations, are African swine fever, brucellosis, FMD, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis. Except for brucellosis, pseudorabies, and tuberculosis, these are diseases which are not present in the United States and which may infect swine. Brucellosis, pseudorabies, and tuberculosis are present in the United States. However, we have programs to control their spread and to eradicate them. We therefore do not want infected embryos imported into the United States. Rinderpest is not normally considered a swine disease, but we are proposing to require that swine embryos be free of rinderpest because rare infections do occur in domestic Asiatic swine.

We are also proposing to amend part 98 to remove the definition of *cattle* and add a definition of *ruminant*. Cervids, camelids, and all species of cattle would be included under the proposed definition of *ruminant*. Camelids are often considered to be ruminants. However, they are not true ruminants as they do not have four stomach compartments. There is no disease risk basis to treat them differently than true ruminants under these regulations. Therefore, we propose to include them under the definition of *ruminant*.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for purposes of Executive

Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this rule on small entities. Therefore, we are inviting comment concerning potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from implementation of this proposed rule.

In accordance with 21 U.S.C. 111, the Secretary of Agriculture is authorized to promulgate regulations to prevent the introduction or dissemination of any communicable disease of animals from a foreign country into the United States. This proposed rule would allow the importation of certain embryos from swine and ruminants, including camelids, cervids, and all species of cattle, from countries where rinderpest or foot-and-mouth disease exists, under restrictions that appear adequate to prevent the introduction or dissemination of rinderpest, foot-and-mouth disease, and other communicable diseases of livestock.

The annual value of cattle embryos imported during the past several years has averaged in the hundreds of thousands of dollars. We do not expect that this proposed rule change would result in a significant increase in cattle embryo imports, since demand will continue to be predominantly for the *Bos indicus* and *Bos taurus* species. However, APHIS does foresee the importation of embryos of other species, such as water buffalo and certain breeds of sheep and goats from Africa.

At present, ruminants and swine from countries where rinderpest or foot-and-mouth disease exists can only enter the United States following quarantine at the Harry S Truman Animal Import Center (HSTAIC). Allowing embryos of additional ruminant species and swine to be imported would enable importers to forgo quarantine and other costs of importing live animals. For example, we estimate that the cost to importers of importing approximately 500 Boer goats from South Africa would average more than \$2,000 per animal for quarantine in HSTAIC. This does not include testing, post-quarantine clean-up expenses, and other costs associated with importing animals through HSTAIC. In addition, importers must undergo the inconvenience and uncertainty of lottery selection (including putting

down either a letter of credit or a \$50,000 deposit), must bear the costs of qualifying animals for importation through HSTAIIC, and must assume the risk that animals may not qualify for importation after quarantine. Quarantine-related costs could easily exceed the cost of implanting an imported embryo. Savings in transporting embryos rather than live animals, both before and after entry into the United States, would also be realized.

This proposed rule contains paperwork and recordkeeping requirements. Under this proposed rule, import permits and health certificates would be required for all ruminant and swine embryos, as they are now required for *Bos indicus* and *Bos taurus* cattle embryos.

The alternatives to this proposed rule would be to take no action, or to allow the importation of embryos under different conditions than those proposed. We did not consider taking no action a reasonable alternative, because it would, in our opinion, prohibit the importation of embryos which pose no significant risk of disease. We also did not consider importation under conditions other than those proposed a viable option. The only available research concerns embryos handled and treated as proposed in this document. Embryos handled and treated using other methods have not been tested. We therefore have no data demonstrating that other methods would be adequate to prevent the importation of rinderpest, foot-and-mouth disease, and other communicable diseases of livestock.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Docket No. 94-006-1,

Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238 and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 98

Animal diseases, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 98 would be amended as follows:

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

1. The authority citation for part 98 would be revised to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Subpart B—Ruminant and Swine Embryos From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

2. The heading for subpart B would be revised to read as set forth above.

3. Section 98.11 would be amended by removing the definition of *Cattle*, and by adding, in alphabetical order, the following definitions to read as follows:

§ 98.11 Definitions.

* * * * *

Ruminant. All animals which chew the cud, including cattle, buffaloes, camelids, cervids (deer, elk, moose, and antelope), sheep, goats, and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

* * * * *

§§ 98.12, 98.13, 98.14 [Amended]

4. In the following sections, the word "Cattle" would be removed and the words "Ruminant, camelid, and swine" would be added in its place:

- a. § 98.12(a);
- b. § 98.12(b);
- c. § 98.13(a); and
- d. § 98.14(a), the introductory text.

5. Section 98.15 would be amended as follows:

a. In the introductory paragraph, the word "Cattle" would be removed and the words "Ruminant and swine" would be added in its place.

b. Paragraphs (a)(1) and (a)(2) would be revised to read as set forth below:

c. In paragraph (a)(4), the word "cattle" would be removed and the words "ruminants or swine" would be added in its place.

d. In paragraph (a)(5), the first sentence would be designated as

paragraph (a)(5)(i), the second sentence would be designated as paragraph (a)(5)(ii) and revised to read as set forth below, and the third and fourth sentences would be designated as paragraphs (a)(5)(iii) and (a)(5)(iv), respectively.

e. In paragraph (a)(7), the first sentence would be designated as paragraph (a)(7)(i) and revised to read as set forth below, and the second sentence would be designated as paragraph (a)(7)(ii).

f. In paragraph (a)(8), the first sentence would be designated as paragraph (a)(8)(i) and revised to read as set forth below, and the second sentence would be designated as paragraph (a)(8)(ii).

The revisions read as follows:

§ 98.15 Health requirements.

* * * * *

(a) * * *

(1) During the year before embryo collection, no case of the following diseases occurred in the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

(2) During the year before embryo collection, no case of the following diseases occurred within 5 kilometers of the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

* * * * *

(5)(i) * * *

(ii) The donor dam was determined to be free of foot-and-mouth disease based upon tests of the pair of serum samples. In addition, if any of the following diseases exist in the country of origin, the donor dam was determined to be free of these diseases based upon additional tests of the serum samples:

(A) Ruminant: Contagious bovine pleuropneumonia, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(B) Swine: African swine fever, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

* * * * *

(7)(i) Not less than 30 days nor more than 120 days after embryo collection, the donor dam was examined by an official veterinarian and found free of clinical evidence of the following diseases:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

* * * * *

(8)(i) Between the time the embryos were collected and all examinations and tests required by this subpart were completed, no animals in the embryo collection unit with the donor dam, or in the donor dam's herd of origin, exhibited any clinical evidence of:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

* * * * *

§ 98.16 [Amended]

6. § 98.16 would be amended as follows:

a. In the introductory paragraph, the first sentence, the word "Cattle" would be removed and the words "Ruminant and swine" would be added in its place.

b. In paragraph (b), in the first sentence, the word "cattle" would be removed and the words "embryo donors" would be added in its place.

Done in Washington, DC, this 30th day of May 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-13667 Filed 6-5-95; 8:45 am]

BILLING CODE 3410-34-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-61]

Nuclear Energy Institute, Receipt of a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the Nuclear Energy Institute (NEI) on behalf of the nuclear power industry. The petition has been docketed by the Commission and has been assigned Docket No. PRM-50-61. The petitioner requests that the NRC amend its regulations governing fire protection at nuclear power plants. The petitioner believes such an amendment would provide a more flexible alternative to the current requirements and permit nuclear power plant licensees more discretion in implementing fire protection requirements that would be site-specific without adversely affecting a licensee's ability to achieve the safe shutdown of a facility in the event of a fire.

DATES: Submit comments by September 29, 1995. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Services Branch.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on this rulemaking are also available for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321-3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321-3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch,